

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY FEBRUARY 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1601**

**Introduced by Assembly Member Hill**

**(Principal coauthor: Assembly Member Nava)**

(Principal coauthors: Senators Harman, *Leno*, Liu, and Maldonado)

**(Coauthors: Assembly Members Bill Berryhill, Blakeslee, Block, Blumenfield, Evans, Fong, Gilmore, Huber, Huffman, Jeffries, Knight, Ma, Monning, Nielsen, Portantino, Smyth, Audra Strickland, Torlakson, and Tran)**

(Coauthor: Senator Cox)

January 4, 2010

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An act to amend Section 23665 of, and to add Section 23597 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as amended, Hill. Vehicles: driving under the influence: repeat offenders.

(1) Existing law requires, if a person is convicted of a specified driving under the influence (DUI) offense and the offense occurred within 10 years of 2, or 3 or more, prior specified DUI offenses that resulted in a conviction, that the person be punished by enhanced penalties, and that the person's privilege to operate a motor vehicle be revoked by the department for a period of 2, 3, 4, or 5 years, as applicable.

~~(2) Existing~~

*Existing* law authorizes the court to impose specified additional orders on a person when the person is convicted of a driving-under-the-influence (DUI) offense, depending on the circumstances.

This bill would authorize the court to order a 10-year revocation of the driver's license of a person who ~~was previously~~ *has been* convicted of 3 or more specified DUI offenses if the court considers certain factors, including, but not limited to, the period of time that has elapsed since his or her previous DUI convictions. The bill would authorize the person to apply to the Department of Motor Vehicles, 5 years from the date of the last DUI conviction, to have his or her privilege to operate a motor vehicle reinstated subject to certain conditions, including, among other things, the condition that the person was not convicted of any other drug- or alcohol-related offenses, under state law, during the driver's license revocation period.

(3)

(2) Existing law authorizes a court to postpone the revocation or suspension of a person's driving privilege until the term of imprisonment is served, if that person was convicted of certain DUI provisions, among other things, and sentenced to serve one year in a county jail or more than one year in a state prison.

This bill would instead require the court to postpone the revocation or suspension of a person's driving privilege until the term of imprisonment is served, and notify the department of the postponement, if that person was convicted of certain DUI provisions and sentenced to serve any time in a county jail or state prison.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23597 is added to the Vehicle Code, to  
2 read:  
3 23597. (a) Notwithstanding Sections 13202.5, 13203, and  
4 13352, a court may order a 10-year revocation of the driver's  
5 license of a person who ~~was previously~~ *has been* convicted of three  
6 or more separate violations of Section 23152 or 23153, *the last of*  
7 *which is punishable under Section 23546, 23550, 23550.5, or*  
8 *23566.* When making this order, the court shall consider all of the  
9 following:

1 (1) The person's level of remorse for the acts.

2 (2) The period of time that has elapsed since the person's  
3 previous convictions.

4 (3) The person's blood-alcohol level at the time of the violation.

5 (4) The person's participation in an alcohol treatment program.

6 (5) The person's risk to traffic or public safety.

7 (6) The person's ability to install a certified ignition interlock  
8 device in each motor vehicle that he or she owns or operates.

9 (b) Upon receipt of a duly certified abstract of the record of the  
10 court showing the court has ordered a 10-year revocation of a  
11 driver's license pursuant to this section, the department shall revoke  
12 the person's driver's license for 10 years, except as provided in  
13 subdivision (c).

14 (c) (1) Five years from the date of the last conviction of a  
15 violation of Section 23152 or 23153, a person whose license was  
16 revoked pursuant to subdivision (a) may apply to the department  
17 to have his or her privilege to operate a motor vehicle reinstated,  
18 subject to the condition that the person submits the "Verification  
19 of Installation" form described in paragraph (2) of subdivision (h)  
20 of Section 13386 and agrees to maintain the ignition interlock  
21 device as required under subdivision (g) of Section  
22 ~~23575. Notwithstanding~~ 23575. *Notwithstanding* Chapter 5  
23 (commencing with Section 23700) or subdivision (f) of Section  
24 23575, the ignition interlock device shall remain on the person's  
25 motor vehicle for two years following the reinstatement of the  
26 person's driving privilege pursuant to this section.

27 (2) The department shall reinstate the person's license pursuant  
28 to paragraph (1), if the person satisfies all of the following  
29 conditions:

30 (A) The person was not convicted of any drug- or alcohol-related  
31 offenses, under state law, during the driver's license revocation  
32 period.

33 (B) The person successfully completed a  
34 driving-under-the-influence program, licensed pursuant to Section  
35 11836 of the Health and Safety Code, following the date of the  
36 last conviction of a violation of Section 23152 or 23153.

37 (C) The person was not convicted of violating Section 14601,  
38 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license  
39 revocation period.

40 SEC. 2. Section 23665 of the Vehicle Code is amended to read:

1     23665. (a) If a person is convicted of a violation of Section  
2     20001 and is sentenced to one year in a county jail or more than  
3     one year in the state prison under Section 23540, 23542, 23546,  
4     23548, 23550, 23550.5, 23552, 23554, 23556, 23558, 23560,  
5     23562, 23566, or 23568, the court may postpone the revocation  
6     or suspension of the person's driving privilege until the term of  
7     imprisonment is served.

8     (b) If a person is convicted of a violation of Section 23152 or  
9     23153 and is sentenced to serve time in a county jail or state prison  
10    under Section 23540, 23542, 23546, 23548, 23550, 23550.5, 23552,  
11    23554, 23556, 23558, 23560, 23562, 23566, or 23568, the court  
12    shall postpone the revocation or suspension of the person's driving  
13    privilege until the term of imprisonment is served and shall notify  
14    the department of the postponement.